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(HSQB)

Attachment 4.40-8
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OMB No.:STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State/Territory: CALIFORNIAELIGIBILITY CONDITIONS AND REQUIREMENTSProcess for the Investigation of Allegations of Resident Neglect
and Abuse and Misappropriation of Resident Property

The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident.

California has implemented enforcement procedures related to nurse aides who are involved in substantiated cases of abuse, neglect, misappropriation of property, or any other act which is determined to have a direct effect on the nurse aide's ability to perform nursing duties. Included in the enforcement process is the screening for criminal convictions which directly relate to the duties/functions of a nurse assistant prior to certification in California.

As required by OBRA, all nurse aides are provided the opportunity to make statements for the registry in regards to any accusation or enforcement action taken against them and are afforded an appeal process for any action taken against them. This information is cross referenced from the nurse aide registry to the enforcement files.

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